IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2298 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE D.A.MEHTA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NAGINDAS CHHOTALAL SHAH - Petitioner(s)
Versus
HIMMATLAL KARSANJIBHAI KOTHARI & 2 - Respondent(s)

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Appearance :
MR MEHUL S SHAH for Petitioner(s) : 1,MR SURESH M SHAH for Petitioner(s) : 1,
MR HARESH H PATEL for Respondent(s) : 1.
MR VIMAL M PATEL for Respondent(s) : 2.
RULE UNSERVED for Respondent(s) : 3.

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CORAM : HONOURABLE MR.JUSTICE D.A.MEHTA

Date : 23/04/2007

ORAL JUDGMENT

1 The petitioner herein, has challenged order dated 20.12.2000 made by The Gujarat State Co-operative Tribunal in Revision Application No. 125 of 1999.

2 Respondent No.1 herein filed Lavad Suit No. 877 of 1998 against respondent No.2– Co.operative Society. Thereafter, the petitioner herein was impleaded as defendant No.2 in the said Lavad Suit. During pendency of the suit vide application Exhibit 4 injunction was sought which came to be rejected vide order dated 21.4.1999 made by the Board of Nominees. Being aggrieved, respondent No.1 herein, preferred Revision Application before the Tribunal. The Tribunal allowed the Revision Application and after quashing and setting aside order dated 21.4.1999 made by the Board of Nominees directed the parties to maintain status-quo qua the property in question till disposal of the suit.

3 Heard learned Advocates appearing on behalf of the respective parties.

4 On 27.11.2001 while admitting the petition, the following order came to be made by the Court:

> *"The impugned order dtd. 20th Dec.2000 (Annexure 'C') is stayed and Res. Nos. 1 and 2 are directed to maintain status-quo as regards Plot No. 28 in question. At the same time, the petitioner shall not deal with the plot in question in any manner whatsoever by way of inducting any person thereon or creating any charge thereon or transferring in favour of any third party.*
>
> *The direction by the Tribunal to the Board of Nominees Court to expedite the hearing of the suit shall remain and only the portion regarding injunction granted in relation to para 7(1) is stayed".*

5 Learned Advocates appearing for the petitioner and respondent No.1 have informed that the suit before the Board of Nominees is at the stage of final submissions as evidence has already been led by the parties. In the circumstances, without entering into any discussion on merits of the respective claims of the parties it would suffice and serve the interest of justice in case the interim direction issued by this Court at the time of admission is directed to continue to operate till final disposal of the suit. In the circumstances, till

final disposal of the suit, respondent Nos. 1 and 2 are directed to maintain status-quo as regards plot No.28 viz. the property in dispute. At the same time, the petitioner shall not deal with the plot in question in any manner whatsoever by way of inducting any person thereon or creating any charge thereon or alienating the property in favour of any third party.

6 The petition stands disposed of accordingly. Rule made absolute to the aforesaid extent. There shall be no order as to costs.

Sd/-
(D.A.Mehta, J.)

m.m.bhatt